

PATENT

Customer No. 22,852

Attorney Docket No. 04853.0059-00000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kazunari TAIRA et al. ) Group Art Unit: To be Assigned  
Serial No.: 09/763,590 ) Examiner: To be Assigned  
Filed: February 26, 2001 )  
For: EXPRESSION SYSTEMS FOR )  
TRANSCRIPTION OF )  
FUNCTIONAL NUCLEIC ACIDS )

Assistant Commissioner for Patents  
Washington, DC 20231

Attention: **BOX PCT**

Sir:

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS**

In response to the Notice of Missing Requirements Under 35 U.S.C. § 371, mailed April 5, 2001, Applicants enclose herewith:

- 1) a check in the amount of \$270.00 for the additional claim fees;
- 2) a paper copy and computer readable form (CRF) of the sequence listing, along with a statement as required under 37 C.F.R. §§ 1.821; and
- 3) a copy of the Notice of Missing Requirements.

Applicants hereby petition for any extension of time that is required to enter this response. If any additional fees are required for any reason, please charge such fees to deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 5, 2001

By: Rebecca M. McNeill  
Rebecca M. McNeill  
Reg. No. 43,796



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner to Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20591  
www.uspto.gov

SEARCH NUMBER

FIRST NAME OF APPLICANT

ATTY/CORP. NAME

09/763590

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04853 0059

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INTERNATIONAL NUMBER

PCT/JP99/04718

PA FILING DATE      PRIORITY DATE  
31 AUG 99      31 AUG 98

DATE MAILED **05 APR 2001****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):

<input checked="" type="checkbox"/> U.S. Basic National Fee	Indication of Small Entity Status
<input checked="" type="checkbox"/> Copy of the international application	Translation of the international application into English
<input checked="" type="checkbox"/> Oath or Declaration of inventor(s)	Translation of Article 19 amendments into English
Copy of Article 19 amendments	Other
Priority Document	
The International Preliminary Examination Report in English and its Annexes, if any	
Translation of Annexes to the International Preliminary Examination Report into English	

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

U.S. Basic National Fee      Copy of the international application

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f))
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO 917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e))

4. Additional claim fees of \$2.20/claim, as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO 875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO 924.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3(d) is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.498(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.2)

***A copy of this notice MUST be returned with this response.***

Enclosed      PCT/DO/EO 917

Notice of Defective Translation

    PTO 875

PCT/DO/EO 920

Barbara A. Campbell

04-09-01      JBF

04853-0059

6-5-01-165

Recd./Schg w/Text Due

07/2001 DAS Vt

FORM PCT/DO/EO 908 (March, 2001)

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